UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

BETH ISRAEL MEDICAL CENTER

and Case 2-CA-39486

LOCAL 814, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

and Case 2-CA-39574

LOUIS GUGLIOTTA

ORDER

The Acting General Counsel's Motion for Summary Judgment is denied.

The Acting General Counsel has failed to establish that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law.¹

Dated, Washington, D.C., February 24, 2012.

MARK GASTON PEARCE, CHAIRMAN

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER

_

¹ We disagree with the Acting General Counsel's characterization of the Respondent's First Amended Answer as a surrebuttal. See Sec. 102.23 of the Board's Rules and Regulations ("[t]he respondent may amend his answer at any time prior to the hearing").